IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.152 OF 2006
IN
WRIT PETITION NO.2455 OF 2002

Suresh Phootermal Jain and Ors. ..Petitioners

Vs.

Collector of City of Mumbai
and B.S.D. and Ors. ..Respondents

Ms.Snehal Paranjape i/b A.S.Dayal and Associates for the petitioners

Mr.S.K.Nair, A.G.P. for the respondent no.1 to 3

Mr.Vinod Mahadik for respndent no.4

Ms.Reshma Thakwani i/b P.Mehta and Mithi and Co. for respondent no.5

CORAM : S.U.KAMDAR, J
DATED : 27TH MARCH, 2006

P.C.:

1. The learned counsel for the petitioners and respondent no.5 states that they will make necessary application for subdivision of plot in accordance with the provision of B.M.C. Act and Land Revenue Code. Application alongwith all necessary documents to be filed within 2 weeks with

the Corporation. The Corporation to process the same within 2 weeks therefrom and intimate the necessary position to the State Government i.e. Collector as well as the petitioners and respondent n.5. On such decision being communicated to the Collector, the Collector will carry on necessary process of sub-divison and complete the same within 4 weeks therefrom.

2. Till and until the said process is complete,d the petitioners will deposit with the Collector further sum of Rs.25000 within 2 weeks from today towards arrears of Land recovery and the Collector will not enforce any balance claim of land revenue arrears against the petitioners till and until the application for sub division is finally decided. However, it is made clear that the Collector will be at liberty to enforce the recovery arrears against the building no.A situated on the said plot of land who has not paid arrears of land revenue charges. In an event if there is an adverse order passed against the petitioners in respect of an application for Subdivision, the petitioners will be at liberty to approach this

court in accordance with law. Petitioners and respondent no.5 shall bear cost, charges and expenses of sub- Division equally. Petition disposed of accordingly. No order as to cost.

3. In view of the aforesaid order, Notice of Motion 152 of 2006 does not survive. The same is dismissed as infructuos.

4. The Collector will be entitled to withdraw the amount deposited of Rs.60000/- with accrued interest if any and will be entitled to adjust the same against the arrears of Land Revenue.